

2013 DRAFTING REQUEST

Bill

Received: 11/19/2013 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Melissa Sargent (608) 266-0960 By/Representing: Aaron
May Contact: Drafter: chanaman
Subject: Criminal Law - drugs Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Sargent@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Legalize marijuana

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman 1/14/2014	scalvin 1/14/2014	jfrantze 1/10/2014	_____	srose 1/10/2014		State S&L
/P2	chanaman 1/23/2014	scalvin 1/23/2014	rschluet 1/14/2014	_____	mbarman 1/14/2014		State S&L
/1			jfrantze 1/23/2014	_____	lparisi 1/23/2014	lparisi 1/23/2014	State S&L

FE Sent For:

@INTRO

<END>

2013 DRAFTING REQUEST

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/P1	chanaman 1/14/2014	scalvin 1/14/2014	jfrantze 1/10/2014	_____	srose 1/10/2014		State S&L
/P2			rschluet 1/14/2014	_____	mbarman 1/14/2014		State S&L

FE Sent For: 1/1 SAC 01/23/2014 1/1 SAC 01/23/2014 <END> 1/23

2013 DRAFTING REQUEST

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Received: 11/19/2013 Received By: **chanaman**

Wanted: As time permits Same as LRB:

For: **Melissa Sargent (608) 266-0960** By/Representing: **Aaron**

May Contact: Drafter: **chanaman**

Subject: **Criminal Law - drugs** Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Sargent@legis.wisconsin.gov**

Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

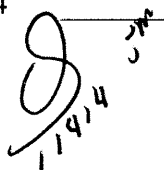
Topic:

Legalize marijuana ✓

Instructions:

See attached

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/P1	emueller 1/6/2014	scalvin 1/9/2014	jfrantze 1/10/2014		srose 1/10/2014		State S&L
FE Sent For:		/P2 sac 01/14/2014	/P2 sac 01/14/2014				

<END>

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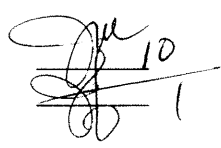
Topic:

Legalize marijuana

Instructions:

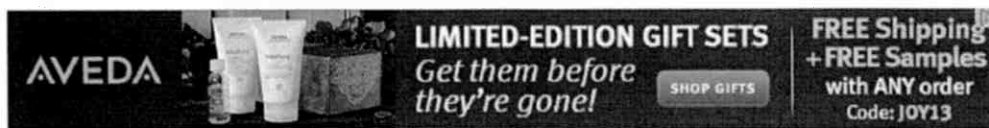
See attached

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/P1	emueller	/P1 sac	/P1 sac				
1/P1	sum 1/6/14	01/09/2014	01/09/2014				

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Marijuana in Washington State

Details from I-502 and How Legal Pot Will Work

By Kristin Kendle

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With the passage of I-502 in the 2012 Washington State election, marijuana became legal in Washington—not just for medical use, but also for recreational use. But what exactly does this mean? Weed is still illegal as far as the United States government is concerned, but Washington and Colorado both have yet to figure out how that will work. It's certain that this issue will continue to evolve and smooth out as time goes by, but here are a few key notes from the new laws.



Marijuana is now legal in Washington State under I-502
Photo Copyright warrantdarrest

Because Washington's legalization of marijuana contradicts federal laws, it's possible that there will be major issues implementing I-502.

The new law is similar to alcohol laws—you must be over 21 to use or possess marijuana.

Adults 21 and older can legally have one ounce of marijuana.

You can have this marijuana on your person, but can't open it, display it, or use it in public.

If you do get caught using weed in public, it will no longer mean an arrest, but instead a civil infraction.

If you are a licensed marijuana grower or seller, you are allowed to grow the plant in your home and/or sell it. There are restrictions on those who sell, including that the sales must be within Washington and that any individual selling must have his or her own license. Licenses must specify the name of only one seller and the location where they will sell. Licenses can only be used by one person.

Separate licenses are required for each seller, each location, and for some different products sold.

Licenses can't be obtained by anyone under 21 or who hasn't lived in Washington for at least three months.

Over the next year, the state liquor control board will develop specific rules to monitor marijuana production and sales, including details about the retail outlets, marijuana literature, rules about sanitation/packaging/processing, methods of screening and hiring employees involved in sales, hours and locations of retail outlets that will sell marijuana—as of late 2012, many of these things are not yet outlined.

By December 1, 2013, the state liquor control board must outline rules about licenses, security and safety issues, maximum quantities for retailers, THC concentrations, and more.

Stores that sell marijuana can only sell marijuana, so don't expect to see pot showing up in the produce section.

You are still not allowed to drive under the influence of anything—marijuana, alcohol, or any other substances.

It's still illegal to buy marijuana off the street. The new laws only make it legal to buy it from legally licensed distributors.

Retailers won't be allowed to set up shop within 1,000 feet of anywhere that minors commonly spend time, like schools, community centers or public parks. They also can't have any fancy signage.

Marijuana retail sales will be taxed at a rate of 25% and the taxes go toward a variety of programs from public education to community health resources.

Much like driving under the influence of alcohol, driving under the influence of pot is also still illegal. If your blood test shows a THC concentration of 5.0 or higher, you will be considered to be driving under the influence.

While the initiative was approved in 2012, the state still needs time to set up actual marijuana retail outlets. Working out details of how this new system will work will be the norm until December 2013.

Read the full [I-502](#) yourself.

Top Related Searches [Liquor Control Board](#) [Ounce Of Marijuana](#) [Marijuana Production](#) [Literature Rules](#) [Marijuana Grower](#) [Civil Infraction](#)

5 nanograms of THC
per milliliter of blood



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3671/P1

CMH:JK:.....

1/6/14
sec
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/6/14

FRIDAY 1/10
Soon

making an appropriation,
requiring the exercise of rule-making authority,

gen

- 1 AN ACT ...; relating to: marijuana possession, regulation of marijuana
- 2 distribution, operating a motor vehicle while under the influence of marijuana,
- 3 and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from manufacturing, distributing, or delivering marijuana; possessing marijuana with the intent to manufacture, distribute, or deliver it; possessing or attempting to possess marijuana; using drug paraphernalia; or possessing drug paraphernalia with the intent to produce, distribute, or use a controlled substance. This bill changes state law so that state law permits a person who is over the age of 21 to possess no more than one ounce of marijuana, 16 ounces of marijuana-infused product in solid form, or 72 ounces of marijuana-infused product in liquid form and eliminates the prohibition on possessing or using drug paraphernalia that relates to marijuana consumption. A person who possesses more than the maximum amount but not more than 40 grams of marijuana is subject to a civil forfeiture not to exceed \$1,000 or imprisonment not to exceed 90 days or both and a person who possesses more than 40 grams of marijuana is guilty of a Class I felony. In addition, under the bill, the cultivation of marijuana is a Class I felony and the use of marijuana in public is subject to a civil forfeiture of not more than \$100.

This bill also creates a process by which a person may obtain a permit to sell marijuana. Under this bill, a person who does not have a permit to sell marijuana may not sell, distribute, or transfer marijuana, or possess marijuana with the intent to sell or distribute it. A person who violates the prohibition is guilty of a Class I felony except that the felony classification increases to a Class H felony if the person

sells, distributes, or transfers the marijuana to a person who is under the age of 21 (minor) and the person is at least three years older than the minor.

This bill prohibits a permittee from selling, distributing, or transferring marijuana to a minor and from permitting a minor to be on premises for which a permit is issued. If a permittee violates one of those prohibitions, the permittee may be subject to a civil forfeiture of not more than \$500 and the permit may be suspended for up to 30 days.

Under this bill, a minor who ^{does} any of the following is subject to a forfeiture of not less than \$250 nor more than \$500: procures or attempts to procure marijuana from a permittee; falsely represents his or her age to receive marijuana from a permittee; knowingly possesses marijuana; or knowingly enters any premises for which a permit has been issued.

This bill changes state law regarding marijuana. It does not affect federal law, which generally prohibits persons from manufacturing, delivering, or possessing marijuana and applies to both intrastate and interstate violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

20.566 Department of revenue

(1) COLLECTION OF TAXES

(v) Administration and enforcement

of marijuana tax and regulation SEG A -0- 1,100,800

SECTION 2. 20.566 (1) (v) of the statutes is created to read:

20.566 (1) (v) *Administration and enforcement of marijuana tax and regulation.* From the marijuana fund, the amounts in the schedule for the purposes of administering the marijuana tax imposed under subch. V of ch. 139 and for the costs incurred in enforcing the taxing and regulation of marijuana producers, marijuana processors, and marijuana retailers under subch. V of ch. 139.

SECTION 3. 23.33 (1) (jo) 1. of the statutes is amended to read:

23.33 (1) (jo) 1. A controlled substance included in schedule I under ch. 961
other than a tetrahydrocannabinol.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

SECTION 4. 23.33 (1) (jo) 5. of the statutes is repealed.

SECTION 5. 23.33 (1) (k) of the statutes is created to read:

23.33 (1) (k) "Tetrahydrocannabinols concentration" means the number of
nanograms of tetrahydrocannabinols per milliliter of blood.

SECTION 6. 23.33 (4c) (a) 2g. of the statutes is created to read:

23.33 (4c) (a) 2g. 'Operating with a tetrahydrocannabinol^s concentration at^{or above}
specified levels.' No person may engage in the operation of an all-terrain vehicle or
utility terrain vehicle while the person has an tetrahydrocannabinols concentration
of 5.0 or more.

SECTION 7. 23.33 (4c) (a) 3g. of the statutes is created to read:

23.33 (4c) (a) 3g. 'Operating with a tetrahydrocannabinol^s concentration at
specified levels; ^{below age} under 21.' If a person has not attained the age of 21, the person may
not engage in the operation of an all-terrain vehicle or utility terrain vehicle while
he or she has an tetrahydrocannabinols concentration of more than 0.0 but less than
5.0.

SECTION 8. 23.33 (4c) (a) 4. of the statutes is amended to read:

23.33 (4c) (a) 4. 'Related charges.' A person may be charged with and a
prosecutor may proceed upon a complaint based upon a violation of any combination
of subd. 1., 2., 2g., or 2m. for acts arising out of the same incident or occurrence. If
the person is charged with violating any combination of subd. 1., 2., 2g., or 2m., the
offenses shall be joined. If the person is found guilty of any combination of subd. 1.,
2., 2g., or 2m. for acts arising out of the same incident or occurrence, there shall be

1 a single conviction for purposes of sentencing and for purposes of counting
2 convictions under sub. (13) (b) 2. and 3. Subdivisions 1., 2., 2g. and 2m. each require
3 proof of a fact for conviction which the others do not require.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, ~~13.92~~ 13.92 (1) (bm) 2.

4 **SECTION 9.** 23.33 (4c) (a) 5. of the statutes is amended to read:

5 23.33 (4c) (a) 5. 'Defenses.' In an action under subd. 2m. that is based on the
6 defendant allegedly having a detectable amount of methamphetamine, or
7 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood or
8 in an action under subd. 2g. or 3g. that is based on the defendant allegedly having
9 a prohibited tetrahydrocannabinols concentration in his or her blood, the defendant
10 has a defense if he or she proves by a preponderance of the evidence that at the time
11 of the incident or occurrence he or she had a valid prescription for methamphetamine
12 or one of its metabolic precursors, gamma-hydroxybutyric acid, or
13 delta-9-tetrahydrocannabinol.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, ~~13.92~~ 13.92 (1) (bm) 2.

14 **SECTION 10.** 23.33 (4c) (b) 2n. of the statutes is created to read:

15 23.33 (4c) (b) 2n. 'Causing injury while operating with tetrahydrocannabinols
16 ^{or above} concentration at specified levels.' No person who has a tetrahydrocannabinols
17 concentration of 5.0 or more may cause injury to another person by the operation of
18 an all-terrain vehicle or utility terrain vehicle.

19 **SECTION 11.** 23.33 (4c) (b) 3. of the statutes is amended to read:

20 23.33 (4c) (b) 3. 'Related charges.' A person may be charged with and a
21 prosecutor may proceed upon a complaint based upon a violation of any combination
22 of subd. 1., 2., ~~or 2m.~~ or 2n. for acts arising out of the same incident or occurrence.
23 If the person is charged with violating any combination of subd. 1., 2., ~~or 2m.~~ or 2n.

1 in the complaint, the crimes shall be joined under s. 971.12. If the person is found
2 guilty of any combination of subd. 1., 2., ~~or 2m., or 2n.~~ for acts arising out of the same
3 incident or occurrence, there shall be a single conviction for purposes of sentencing
4 and for purposes of counting convictions under sub. (13) (b) 2. and 3. Subdivisions
5 1., 2., ~~and 2m., and 2n.~~ each require proof of a fact for conviction which the others do
6 not require.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

7 **SECTION 12. 23.33 (4c) (b) 4. a. of the statutes is amended to read:**

8 23.33 (4c) (b) 4. a. In an action under this paragraph, the defendant has a
9 defense if he or she proves by a preponderance of the evidence that the injury would
10 have occurred even if he or she had been exercising due care and he or she had not
11 been under the influence of an intoxicant, did not have an alcohol concentration of
12 0.08 or more, ~~or did not have a detectable amount of a restricted controlled substance~~
13 in his or her blood, or did not have a tetrahydrocannabinols concentration of 5.0 or
14 more.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

15 **SECTION 13. 23.33 (4c) (b) 4. b. of the statutes is amended to read:**

16 23.33 (4c) (b) 4. b. In an action under subd. 2m. that is based on the defendant
17 allegedly having a detectable amount of methamphetamine, or
18 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood or
19 in an action under subd. 2n. that is based on the defendant allegedly having a
20 prohibited tetrahydrocannabinols concentration in his or her blood, the defendant
21 has a defense if he or she proves by a preponderance of the evidence that at the time
22 of the incident or occurrence he or she had a valid prescription for methamphetamine

1 or one of its metabolic precursors, gamma-hydroxybutyric acid, or
2 delta-9-tetrahydrocannabinol.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

3 **SECTION 14. 23.33 (4p) (d) of the statutes is amended to read:**

4 **23.33 (4p) (d) *Admissibility; effect of test results; other evidence.*** The results
5 of a chemical test required or administered under par. (a), (b) or (c) are admissible
6 in any civil or criminal action or proceeding arising out of the acts committed by a
7 person alleged to have violated the intoxicated operation of an all-terrain vehicle or
8 utility terrain vehicle law on the issue of whether the person was under the influence
9 of an intoxicant or the issue of whether the person had alcohol concentrations or
10 tetrahydrocannabinols concentrations at or above specified levels or a detectable
11 amount of a restricted controlled substance in his or her blood. Results of these
12 chemical tests shall be given the effect required under s. 885.235. This subsection
13 does not limit the right of a law enforcement officer to obtain evidence by any other
14 lawful means.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

15 **SECTION 15. 23.33 (13) (b) 1. of the statutes is amended to read:**

16 **23.33 (13) (b) 1.** Except as provided under subds. 2. and 3., a person who
17 violates sub. (4c) (a) 1., 2., 2g. or 2m. or (4p) (e) shall forfeit not less than \$150 nor
18 more than \$300.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

19 **SECTION 16. 23.33 (13) (b) 2. of the statutes is amended to read:**

20 **23.33 (13) (b) 2.** Except as provided under subd. 3., a person who violates sub.
21 (4c) (a) 1., 2., 2g. or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the
22 current violation, was convicted previously under the intoxicated operation of an

1 all-terrain vehicle or utility terrain vehicle law or the refusal law shall be fined not
2 less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days
3 nor more than 6 months.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

4 **SECTION 17. 23.33 (13) (b) 3.** of the statutes is amended to read:

5 23.33 (13) (b) 3. A person who violates sub. (4c) (a) 1., 2., 2g., or 2m. or (4p) (e)
6 and who, within 5 years prior to the arrest for the current violation, was convicted
7 2 or more times previously under the intoxicated operation of an all-terrain vehicle
8 or utility terrain vehicle law or refusal law shall be fined not less than \$600 nor more
9 than \$2,000 and shall be imprisoned not less than 30 days nor more than one year
10 in the county jail.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

11 **SECTION 18. 23.33 (13) (e)** of the statutes is amended to read:

12 23.33 (13) (e) *Alcohol, controlled substances or controlled substance analogs,*
13 *tetrahydrocannabinols; assessment.* In addition to any other penalty or order, a
14 person who violates sub. (4c) (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25
15 if the violation involves the operation of an all-terrain vehicle or utility terrain
16 vehicle, shall be ordered by the court to submit to and comply with an assessment
17 by an approved public treatment facility for an examination of the person's use of
18 alcohol, controlled substances or controlled substance analogs, or
19 tetrahydrocannabinols. The assessment order shall comply with s. 343.30 (1q) (c) 1.
20 a. to c. Intentional failure to comply with an assessment ordered under this
21 paragraph constitutes contempt of court, punishable under ch. 785.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20; s. 13.92 (1) (bm) 2.

22 **SECTION 19. 25.56** of the statutes is created to read:

1 **25.56 Marijuana fund.** There is established a separate nonlapsible trust
2 fund, designated ^{as} the marijuana fund, consisting of all revenue from the fees, taxes,
3 interest, and penalties under subch. V of ch. 139.

4 **SECTION 20.** 30.50 (10m) (a) of the statutes is amended to read:

5 30.50 (10m) (a) A controlled substance included in schedule I under ch. 961
6 ~~other than a tetrahydrocannabinol.~~

History: 1979 c. 275; 1983 a. 27, 100; 1985 a. 279, 331; 1987 ~~x~~ 3, 374; 1989 a. 145; 1991 a. 39, 257, 316; 1995 a. 290, 349, 436, 448; 1997 a. 198; 1999 a. 9; 2001 a. 16; 2003 a. 97; 2005 a. 25, 308.

7 **SECTION 21.** 30.50 (10m) (e) of the statutes is repealed.

8 **SECTION 22.** 30.50 (13p) of the statutes is created to read:

9 30.50 (13p) "Tetrahydrocannabinols concentration" means the number of
10 nanograms of tetrahydrocannabinols per milliliter of blood.

11 **SECTION 23.** 30.681 (1) (b) 1g. of the statutes is created to read:

12 30.681 (1) (b) 1g. No person may engage in the operation of a motorboat while
13 the person has a tetrahydrocannabinols concentration of 5.0 or more.

14 **SECTION 24.** 30.681 (1) (bn) (title) of the statutes is amended to read:

15 30.681 (1) (bn) (title) *Operating with alcohol or tetrahydrocannabinols*
16 *concentrations at specified levels; below legal drinking age.*

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

17 **SECTION 25.** 30.681 (1) (bn) of the statutes is renumbered 30.681 (1) (bn) 1.

18 **SECTION 26.** 30.681 (1) (bn) 2. of the statutes is created to read:

19 30.681 (1) (bn) 2. A person who has not attained the legal age, as defined in s.
20 961.70 (1), may not engage in the operation of a motorboat while he or she has a
21 tetrahydrocannabinol^s concentration of more than 0.0 but less than 5.0.

22 **SECTION 27.** 30.681 (1) (c) of the statutes is amended to read:

23 30.681 (1) (c) *Related charges.* A person may be charged with and a prosecutor
24 may proceed upon a complaint based upon a violation of any combination of par. (a)

1 or (b) 1., 1g. 1m., or 2. for acts arising out of the same incident or occurrence. If the
2 person is charged with violating any combination of par. (a) or (b) 1., 1g. 1m., or 2.,
3 the offenses shall be joined. If the person is found guilty of any combination of par.
4 (a) or (b) 1., 1g. 1m., or 2. for acts arising out of the same incident or occurrence, there
5 shall be a single conviction for purposes of sentencing and for purposes of counting
6 convictions under s. 30.80 (6) (a) 2. and 3. Paragraphs (a) and (b) 1., 1g. 1m., and
7 2. each require proof of a fact for conviction which the others do not require.

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

8 **SECTION 28.** 30.681 (1) (d) of the statutes is amended to read:

9 30.681 (1) (d) *Defenses.* In an action under par. (b) 1m. that is based on the
10 defendant allegedly having a detectable amount of methamphetamine, or
11 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood or
12 in an action under par. (b) 1g. or (bn) 2. that is based on the defendant allegedly
13 having a prohibited tetrahydrocannabinols concentration in his or her blood, the
14 defendant has a defense if he or she proves by a preponderance of the evidence that
15 at the time of the incident or occurrence he or she had a valid prescription for
16 methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid,
17 or delta-9-tetrahydrocannabinol.

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

18 **SECTION 29.** 30.681 (2) (b) (title) of the statutes is amended to read:

19 30.681 (2) (b) (title) *Causing injury after using a controlled substance ~~or~~*
20 *alcohol, or marijuana.*

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

21 **SECTION 30.** 30.681 (2) (b) 1g. of the statutes is created to read:

22 30.681 (2) (b) 1g. No person who has a tetrahydrocannabinol⁵ concentration of
23 5.0 or more may cause injury to another person by the operation of a motorboat.

24 **SECTION 31.** 30.681 (2) (c) of the statutes is amended to read:

30.681 (2) (c) *Related charges*. A person may be charged with and a prosecutor may proceed upon a complaint based upon a violation of any combination of par. (a) or (b) 1., 1g. 1m., or 2. for acts arising out of the same incident or occurrence. If the person is charged with violating any combination of par. (a) or (b) 1., 1g. 1m., or 2. in the complaint, the crimes shall be joined under s. 971.12. If the person is found guilty of any combination of par. (a) or (b) 1., 1g. 1m., or 2. for acts arising out of the same incident or occurrence, there shall be a single conviction for purposes of sentencing and for purposes of counting convictions under s. 30.80 (6) (a) 2. and 3. Paragraphs (a) and (b) 1., 1g. 1m., and 2. each require proof of a fact for conviction which the others do not require.

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436, 1997 a. 35, 198; 2003 a. 30, 97, 326.

SECTION 32. 30.681 (2) (d) 1. a. of the statutes is amended to read:

30.681 (2) (d) 1. a. In an action under this subsection for a violation of the intoxicated boating law where the defendant was operating a motorboat that is not a commercial motorboat, the defendant has a defense if he or she proves by a preponderance of the evidence that the injury would have occurred even if he or she had been exercising due care and he or she had not been under the influence of an intoxicant or did not have an alcohol concentration of 0.08 or more or a tetrahydrocannabinol⁵ concentration of 5.0 or more or a detectable amount of a restricted controlled substance in his or her blood.

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436, 1997 a. 35, 198; 2003 a. 30, 97, 326.

SECTION 33. 30.681 (2) (d) 1. b. of the statutes is amended to read:

30.681 (2) (d) 1. b. In an action under par. (b) 1m. that is based on the defendant allegedly having a detectable amount of methamphetamine, or gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ in his or her blood or in an action under par. (b) 1g. that is based on the defendant allegedly having a

1 prohibited tetrahydrocannabinols concentration in his or her blood, the defendant
2 has a defense if he or she proves by a preponderance of the evidence that at the time
3 of the incident or occurrence he or she had a valid prescription for methamphetamine
4 or one of its metabolic precursors, gamma-hydroxybutyric acid, or
5 delta-9-tetrahydrocannabinol.

History: 1985 a. 331; 1989 a. 275; 1995 a. 290, 436; 1997 a. 35, 198; 2003 a. 30, 97, 326.

6 **SECTION 34.** 30.684 (4) of the statutes is amended to read:

7 30.684 (4) ADMISSIBILITY; EFFECT OF TEST RESULTS; OTHER EVIDENCE. The results
8 of a chemical test required or administered under sub. (1), (2) or (3) are admissible
9 in any civil or criminal action or proceeding arising out of the acts committed by a
10 person alleged to have violated the intoxicated boating law on the issue of whether
11 the person was under the influence of an intoxicant or the issue of whether the person
12 had alcohol concentrations or tetrahydrocannabinols concentrations at or above
13 specified levels or a detectable amount of a restricted controlled substance in his or
14 her blood. Results of these chemical tests shall be given the effect required under s.
15 885.235. This section does not limit the right of a law enforcement officer to obtain
16 evidence by any other lawful means.

History: 1985 a. 331; 1987 a. 3; 1993 a. 105; 1995 a. 27 s. 9126 (19); 2003 a. 97; 2007 a. 20 s. 9121 (6) (a).

17 **SECTION 35.** 30.80 (6) (d) of the statutes is amended to read:

18 30.80 (6) (d) *Alcohol, controlled substances or controlled substance analogs,*
19 *tetrahydrocannabinols; examination.* In addition to any other penalty or order, a
20 person who violates s. 30.681 (1) or (2) or 30.684 (5) or who violates s. 940.09 or 940.25
21 if the violation involves the operation of a motorboat, shall be ordered by the court
22 to submit to and comply with an assessment by an approved public treatment facility
23 for an examination of the person's use of alcohol, controlled substances or controlled
24 substance analogs, or tetrahydrocannabinols. Intentional failure to comply with an

assessment ordered under this paragraph constitutes contempt of court, punishable under ch. 785.

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356; 2009 a. 55.

SECTION 36. 59.54 (25) of the statutes is amended to read:

59.54 (25) ~~POSSESSION~~ ^{REGULATION} OF MARIJUANA. The board may enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this subsection that is consistent with s. 961.71 or 961.72. Any ordinance enacted under this subsection applies in every municipality within the county.

History: 1995 a. 201 ss. 146 to 149, 154 to 156, 159, 160, 162, 175 to 177, 179, 180, 183, 191, 193, 210 to 213, 222, 226 to 228, 274, 283, 366, 403, 404; 1995 a. 448 s. 59; 1997 a. 27, 35; 2001 a. 16; 2003 a. 193; 2005 a. 90; 2009 a. 42; 2011 a. 31, 35.

SECTION 37. 66.0107 (1) (bm) of the statutes is amended to read:

66.0107 (1) (bm) Enact and enforce an ordinance to prohibit the possession of 25 grams or less of marijuana, as defined in s. 961.01 (14), subject to the exceptions in s. 961.41 (3g) (intro.), and provide a forfeiture for a violation of the ordinance; except that any person who is charged with possession of more than 25 grams of marijuana, or who is charged with possession of any amount of marijuana following a conviction for possession of marijuana, in this state shall not be prosecuted under this paragraph that is consistent with s. 961.71 or 961.72.

History: 1973 c. 198; 1979 c. 131 s. 4; 1987 a. 332 s. 64; 1987 a. 416; 1989 a. 121, 276; 1993 a. 246; 1995 a. 353, 448; 1999 a. 150 ss. 151, 153; Stats. 1999 s. 66.0107; 2005 a. 116, ss. 2 to 4; 2011 a. 31.

SECTION 38. 85.53 (1) (d) of the statutes is amended to read:

85.53 (1) (d) "Operating while intoxicated" means a violation of s. 346.63 (1) ~~or~~,
(2m), or (2p) or a local ordinance in conformity therewith or of s. 346.63 (2) or (6),
940.09 (1) or 940.25.

History: 1997 a. 27; 1999 a. 9, 185.

SECTION 39. Subchapter V (title) of chapter 139 [precedes 139.97] of the
statutes is created to read:

CHAPTER 139

SUBCHAPTER V

MARIJUANA TAX AND REGULATION

SECTION 40. 139.97 of the statutes is created to read:

139.97 Definitions. In this subchapter:

(1) "Department" means the department of revenue.

(2) "Lot" means a definite quantity of marijuana, useable marijuana, or
marijuana-infused product identified by a lot number, every portion or package of
which is consistent with the factors that appear in the labeling.

(3) "Lot number" means a number that specifies the person who holds a valid
license under this subchapter and the harvesting or processing date for each lot.

(4) "Marijuana" has the meaning given in s. 961.70 (3).

(5) "Marijuana processor" means a person who processes marijuana into
useable marijuana or marijuana-infused products, packages and labels useable
marijuana or marijuana-infused products for sale in retail outlets, ~~and~~ or sells useable
marijuana or marijuana-infused products at wholesale to marijuana retailers.

(6) "Marijuana producer" means a person who produces marijuana and sells
it at wholesale to marijuana processors or other marijuana producers.

(7) "Marijuana-infused product" means a product intended for human consumption that contains marijuana or marijuana extracts, not including useable marijuana.

(8) "Marijuana retailer" means a person who sells useable marijuana or marijuana-infused products at a retail outlet.

(9) "Permittee" means a marijuana producer, marijuana processor, or marijuana retailer who is issued a permit under s. 139.972.

(10) "Retail outlet" means a location for the retail sale of useable marijuana or marijuana-infused products.

(11) "Sales price" has the meaning given in s. 77.51 (15b).

(12) "Useable marijuana" means dried marijuana flowers, not including dried marijuana flowers that are part of any marijuana-infused product.

SECTION 41. 139.971 of the statutes is created to read:

139.971 Marijuana tax. (1) (a) An excise tax is imposed on a marijuana producer at the rate of 25 percent of the sales price on each wholesale sale in this state of marijuana to a marijuana processor or to another marijuana producer.

(b) An excise tax is imposed on a marijuana processor at the rate of 25 percent of the sales price on each wholesale sale in this state of useable marijuana or marijuana-infused product to a marijuana retailer.

(c) An excise tax is imposed on a marijuana retailer at the rate of 25 percent of the sales price on each retail sale in this state of useable marijuana or marijuana-infused product.

(2) Each person liable for the taxes imposed under sub. (1) shall pay the taxes to the department no later than the 15th day of the month following the month in which the person's tax liability is incurred and shall include with the payment a return on

1 a form prescribed by the department. The department shall deposit all taxes
2 collected under this section into the marijuana fund.

3 **SECTION 42.** 139.972 of the statutes is created to read:

4 **139.972 Permits required.** (1) (a) No person may operate in this state as a
5 marijuana producer, marijuana processor, or marijuana retailer without first filing
6 an application for and obtaining the proper permit from the department to perform
7 such operations.

8 (b) This section applies to all officers, directors, agents, and stockholders
9 holding 5 percent or more of the stock of any corporation applying for a permit under
10 this section.

11 (c) Subject to ss. 111.321, 111.322, and 111.335, no permit under this section
12 may be granted to any person to whom any of the following applies:

13 1. The person has been convicted of a misdemeanor, not involving chs. 340 to
14 349, at least 3 times.

15 2. The person has been convicted of a felony, unless pardoned.

16 3. The person is addicted to the use of a controlled substance or controlled
17 substance analog under ch. 961.

18 4. The person has income which comes principally from gambling or has been
19 convicted of 2 or more gambling offenses.

20 5. The person has been guilty of crimes relating to prostitution.

21 6. The person has been guilty of crimes relating to loaning money or anything
22 of value to persons holding licenses or permits pursuant to ch. 125.

23 7. The person is under the age of 21.

24 8. The person has not been a resident of this state continuously for at least 90
25 days prior to the application date.

1 (d) 1. Before the department issues a new or renewed permit under this section,
2 the department shall give notice of the permit application to the governing body of
3 the municipality where the the permit applicant intends to operate a retail outlet or
4 other premises of a marijuana producer, marijuana processor, or marijuana retailer.
5 No later than 30 days after the department submits the notice, the governing body
6 of the municipality may file with the department a written objection to granting or
7 renewing the permit. At the municipality's request, the department may extend the
8 period for filing objections.

9 2. A written objection filed under subd. 1. shall provide all the facts on which
10 the objection is based. In determining whether to grant or deny a permit for which
11 an objection has been filed under this paragraph, the department shall give
12 substantial weight to objections from a municipality based on chronic illegal activity
13 associated with the premises for which the applicant seeks a permit, the premises
14 of any other operation in this state for which the applicant holds or has held a valid
15 permit or license, or the conduct of the applicant's patrons inside or outside the
16 premises of any other operation in this state for which the applicant holds or has held
17 a valid permit or license. In this subdivision, "chronic illegal activity" means a
18 pervasive pattern of activity that threatens the public health, safety, and welfare of
19 the municipality, including any crime or ordinance violation, and is documented in
20 crime statistics, police reports, emergency medical response data, calls for service,
21 field data, or similar law enforcement agency records.

22 (e) After denying a permit, the department shall immediately notify the
23 applicant in writing of the denial and the reasons for the denial. After making a
24 decision to grant or deny a permit for which a municipality has filed an objection

✓
1 under par. (d), the department shall immediately notify the governing body of the
2 municipality in writing of its decision and the reasons for the decision.

3 (f) 1. The department's denial of a permit under this section is subject to
4 judicial review under ch. 227. ✓

5 2. The department's decision to grant a permit under this section regardless of
6 an objection filed under par. (d) is subject to judicial review under ch. 227. ✓

7 (g) The department shall not issue a permit under this section to any person
8 who does not hold a valid certificate under s. 73.03 (50). ✓

9 (2) Each person who applies for a permit under this section shall submit with
10 the application a \$250 fee. Each person who is granted a permit under this section
11 shall annually pay to the department a \$1,000 fee for as long as the person holds a
12 valid permit under this section. A permit issued under this subsection is valid for
13 1 year and may be renewed, except that the department may revoke or suspend a
14 permit prior to its expiration. A person is not entitled to a refund of the fees paid
15 under this subsection if the person's permit is denied, revoked, or suspended. The
16 department shall deposit the fees collected under this subsection into the marijuana
17 fund. ✓

18 (3) The department may not issue a permit under this section to operate any
19 premises which ^{are} within 1,000 feet of the perimeter of the grounds of any elementary
20 or secondary school, playground, recreation facility, child care facility, public park,
21 public transit facility, or library.

22 (4) Under this section, a separate permit is required ^{g for} and issued to each class
23 of permittee and the permit holder shall perform only the operations authorized by
24 the permit. A permit issued under this section is not transferrable from one person
25 to another or from one premises to another. A separate permit is required for each

place in this state where the operations of a marijuana producer, marijuana processor, or marijuana retailer occur, including each retail outlet. No person who has been issued a permit to operate as a marijuana retailer, or who has any direct or indirect financial interest in the operation of a marijuana retailer, shall be issued a permit to operate as a marijuana producer or marijuana processor.

(5) Each person issued a permit under this section shall post the permit in a conspicuous place on the premises ^{to} for which the permit relates.

SECTION 43. 139.973 of the statutes is created to read:

139.973 Regulation. (1) No person who is issued a permit under s. 139.973 ^{139.973} may employ a person who is under the age of 21 to work in the business to which the permit relates.

(2) A retail outlet shall sell no products or services other than useable marijuana, marijuana-infused products, or paraphernalia intended for the storage or use of useable marijuana or marijuana-infused products.

(3) No marijuana retailer may allow a person who is under the age of 21 to enter or remain on the premises of a retail outlet.

(4) The maximum amount of useable marijuana or marijuana-infused product that a retail outlet may sell to an individual consumer in a single transaction is any combination of the following:

(a) One ounce of useable marijuana.

(b) Sixteen ounces of marijuana-infused product in solid form.

(c) Seventy-two ounces of marijuana-infused product in liquid form.

(5) No marijuana retailer may display any signage in a window, on a door, or on the outside of the premises of a retail outlet that is visible to the general public

1 from a public right-of-way, other than a single sign that is no larger than 1,600
2 square inches identifying the retail outlet by the permittee's business or trade name.

3 (6) No marijuana retailer may display useable marijuana or
4 marijuana-infused products in a manner that is visible to the general public from
5 a public right-of-way.

6 (7) No marijuana retailer or employee of a retail outlet may open or consume,
7 or allow to be opened or consumed, any useable marijuana or marijuana-infused
8 product on the premises of the retail outlet.

9 (8) No marijuana producer, marijuana processor, or marijuana retailer may
10 place or maintain, or cause to be placed or maintained, an advertisement of useable
11 marijuana or a marijuana-infused product in any form or through any medium *in any of the following locations*

12 (a) Within 1,000 feet of the perimeter of the grounds of any elementary or
13 secondary school, playground, recreation facility, child care facility, public park,
14 public transit facility, or library.

15 (b) On or in a public transit vehicle or public transit shelter.

16 (c) On or in a publicly owned or publicly operated property.

17 (9) (a) On a schedule determined by the department, every marijuana producer
18 and marijuana processor shall submit representative samples of the ^{marijuana} useable
19 marijuana or marijuana-infused products produced or processed by the marijuana
20 producer or marijuana processor to an independent ^{3rd party} testing laboratory
21 that satisfies the accreditation criteria, prescribed by the department by rule, for
22 inspecting and testing ^{marijuana} useable marijuana and marijuana-infused products in order
23 to certify that the ^{marijuana} useable marijuana and marijuana-infused products comply with
24 standards prescribed by the department by rule. The laboratory testing the sample
25 shall destroy any part of the sample that remains after the testing.

1 (b) Marijuana producers and marijuana processors shall submit the results of
2 the testing provided under par. (a) to the department in the manner prescribed by
3 the department by rule.

4 (c) If a representative sample inspected and tested under par. (a) does not meet
5 the standards prescribed by the department, the department shall take the
6 necessary action to ensure that the entire lot from which the sample was taken is
7 destroyed. The department shall promulgate rules to determine lots and lot
8 numbers for purposes of this subsection and for the reporting of lots and lot numbers
9 to the department.

10 SECTION 44. 139.974 of the statutes is created to read:

11 **139.974 Records and reports.** (1) Every person issued a permit under s.
12 139.972 shall keep accurate and complete records of the production and sales of
13 useable marijuana and marijuana-infused products in this state. The records shall
14 be kept on the premises described in the permit and in such manner as to ensure
15 permanency and accessibility for inspection at reasonable hours by the department's
16 authorized personnel. The department shall prescribe reasonable and uniform
17 methods of keeping records and making reports and shall provide the necessary
18 forms to permittees.

19 (2) If the department determines that any permittee's records are not kept in
20 the prescribed form or are in such condition that the department requires an unusual
21 amount of time to determine from the records the amount of the tax due, the
22 department shall give notice to the permittee that the permittee is required to revise
23 the permittee's records and keep them in the prescribed form. If the permittee fails
24 to comply within 30 days, the permittee shall pay the expenses reasonably
25 attributable to a proper examination and tax determination at the rate of \$30 a day

1 for each auditor used to make the examination and determination. The department
2 shall send a bill for such expenses and the permittee shall pay the amount of such
3 bill within 10 days.

4 (3) If any permittee fails to file a report when due, the permittee shall be
5 required to pay a late filing fee of \$10. A report that is mailed is filed on time if it is
6 mailed in a properly addressed envelope with postage prepaid, the envelope is
7 officially postmarked, or marked or recorded electronically as provided under section
8 7502 (f) (2) (c) of the Internal Revenue Code, on the date due, and the report is
9 actually received by the department or at the destination that the department
10 prescribes within 5 days of the due date. A report that is not mailed is timely if it
11 is received on or before the due date by the department or at the destination that the
12 department prescribes. For purposes of this subsection, "mailed" includes delivery
13 by a delivery service designated under section 7502 (f) of the Internal Revenue Code.

14 (4) Sections 71.78 (1), (1m), and (4) to (9) and 71.83 (2) (a) 3. and 3m., relating
15 to confidentiality of income, franchise and gift tax returns, apply to any information
16 obtained from any permittee under this subchapter on a tax return, report, schedule,
17 exhibit, or other document or from an audit report relating to any of those documents,
18 except that the department of revenue shall publish production and sales statistics.

19 **SECTION 45.** 139.975 of the statutes is created to read:

20 **139.975 Administration and enforcement.** (1) The department shall
21 administer and enforce this subchapter and ~~adopt~~^{promulgate} rules necessary to administer and
22 enforce this subchapter.

23 (2) The duly authorized employees of the department have all necessary police
24 powers to prevent violations of this subchapter.

(3) Authorized personnel of the department of justice and the department of revenue, and any law enforcement officer, within their respective jurisdictions, may at all reasonable hours enter the premises of any permittee and examine the books and records to determine whether the tax imposed by this subchapter has been fully paid and may enter and inspect any premises where marijuana, useable marijuana, or marijuana-infused products are produced, processed, made, sold, or stored to determine whether the permittee is complying with this subchapter.

(4) The department may suspend or revoke the permit of any permittee who violates s. 100.30, any provision of this subchapter, or any rules ^{a promulgated} adopted under sub.

(1). The department shall revoke the permit of any permittee who violates s. 100.30 3 or more times within a 5-year period.

(5) No suit shall be maintained in any court to restrain or delay the collection or payment of the tax levied in s. 139.971. The aggrieved taxpayer shall pay the tax when due and, if paid under protest, may at any time within 90 days from the date of payment, sue the state to recover the tax paid. If it is finally determined that any part of the tax was wrongfully collected, the secretary of administration shall pay the amount wrongfully collected out of the marijuana fund. A separate suit need not be filed for each separate payment made by any taxpayer, but a recovery may be had in one suit for as many payments as may have been made.

(6) (a) Any person may be compelled to testify in regard to any violation of this subchapter of which the person may have knowledge, even though such testimony may tend to incriminate the person, upon being granted immunity from prosecution in connection with the testimony, and upon the giving of such testimony, the person shall not be prosecuted because of the violation relative to which the person has testified.

(b) The immunity provided under par. (a) is subject to the restrictions under s. 972.085.

(7) The provisions on timely filing under s. 71.80 (18) apply to the tax imposed under this subchapter.

(8) Sections 71.74 (1), (2), (10), (11) and (14), 71.77, 71.80 (12), 71.91 (1) (a) and (c) and (2) to (7), 71.92, and 73.0301 as they apply to the taxes under ch. 71 apply to the taxes under this subchapter. Section 71.74 (13) as it applies to the collection of the taxes under ch. 71 applies to the collection of the taxes under this subchapter, except that the period during which notice of an additional assessment shall be given begins on the due date of the report under this subchapter.

(9) Any building or place of any kind where marijuana, useable marijuana, or a marijuana-infused product is sold, possessed, stored, or manufactured without a lawful permit^{or} in violation of s. 139.973 is declared a public nuisance and may be closed and abated as such. (139.972 or)

(10) At the request of the secretary of revenue, the attorney general may represent this state or assist a district attorney in prosecuting any case arising under this subchapter.

SECTION 46. 139.976 of the statutes is created to read:

139.976 Theft of tax moneys. All marijuana tax moneys received by a permittee for the sale of^{marijuana} useable marijuana and marijuana-infused products on which the tax under this subchapter has become due and has not been paid are trust funds in the permittee's possession and are the property of this state. Any permittee who fraudulently withholds, appropriates, or otherwise uses marijuana tax moneys that are the property of this state is guilty of theft under s. 943.20 (1), whether or not the permittee has or claims to have an interest in those moneys.

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SECTION 47. 139.977 of the statutes is created to read:

(2) **139.977 Seizure and confiscation.** (1) All marijuana, useable marijuana, and marijuana-infused products produced, processed, made, kept, stored, sold, distributed, or transported in violation of this subchapter, and all tangible personal property used in connection with the marijuana, useable marijuana, or marijuana-infused product, is unlawful property and subject to seizure by the department or a law enforcement officer. Except as provided in sub. (2), all marijuana, useable marijuana, and marijuana-infused products seized under this subsection shall be destroyed.

(2) If marijuana, useable marijuana, and marijuana-infused products on which the tax has not been paid are seized as provided under sub. (1), they may be given to law enforcement officers to use in criminal investigations or sold to qualified buyers by the department, without notice. If the marijuana, useable marijuana, and marijuana-infused products are sold, after deducting the costs of selling and storing the property, the department shall pay the sale proceeds into the marijuana fund. If the department finds that the marijuana, useable marijuana, and marijuana-infused products may deteriorate or become unfit for use in criminal investigations or for sale, or that those uses would otherwise be impractical, the department may order them destroyed.

(3) If marijuana, useable marijuana, and marijuana-infused products on which the tax has been paid are seized as provided under sub. (1) they shall be returned to the true owner if ownership can be ascertained and the owner or the owner's agent is not involved in the violation resulting in the seizure. If the ownership cannot be ascertained or if the owner or the owner's agent was guilty of the violation that resulted in the seizure of the marijuana, useable marijuana, and

1 marijuana-infused products, they may be sold or otherwise disposed of as provided
2 in sub. (2).

3 (4) If tangible personal property other than marijuana, useable marijuana, and
4 marijuana-infused products is seized as provided under sub. (1), the department
5 shall advertise the tangible personal property for sale by publication of a class 2
6 notice under ch. 985. If no person claiming a lien on, or ownership of, the property
7 has notified the department of the person's claim within 10 days after last insertion
8 of the notice, the department shall sell the property. If a sale is not practical the
9 department may destroy the property. If a person claiming a lien on, or ownership
10 of, the property notifies the department within the time prescribed in this
11 subsection, the department may apply to the circuit court in the county where the
12 property was seized for an order directing disposition of the property or the proceeds
13 from the sale of the property. If the court orders the property to be sold, all liens, if
14 any, may be transferred from the property to the sale proceeds. Neither the property
15 seized nor the proceeds from the sale shall be turned over to any claimant of lien or
16 ownership unless the claimant first establishes that the property was not used in
17 connection with any violation under this subchapter or that, if so used, it was done
18 without the claimant's knowledge or consent and without the claimant's knowledge
19 of facts that should have given the claimant reason to believe it would be put to such
20 use. If no claim of lien or ownership is established as provided under this subsection
21 the property may be ordered destroyed. In case of a sale, the net proceeds after
22 deducting costs, expenses, and established claims shall be paid into the marijuana
23 fund.

1 **139.978 Interest and penalties.** (1) Any person who makes or signs any
2 false or fraudulent report under this subchapter or who attempts to evade the tax
3 imposed by s. 139.971, or who aids in or abets the evasion or attempted evasion of
4 that tax, may be fined not more than \$10,000 or imprisoned for not more than 9
5 months or both.

6 (2) Any permittee who fails to keep the records required by s. 139.974 (1) and
7 (2) shall be fined not less than \$100 nor more than \$500 or imprisoned not more than
8 6 months or both.

9 (3) Any person who refuses to permit the examination or inspection authorized
10 under s. 139.975 (3) may be fined not more than \$500 or imprisoned not more than
11 6 months or both. The department shall immediately suspend or revoke the permit
12 of any person who refuses to permit the examination or inspection authorized under
13 s. 139.975 (3).

14 (4) Any person who violates any of the provisions of this subchapter for which
15 no other penalty is prescribed shall be fined not less than \$100 nor more than \$1,000
16 or imprisoned not less than 10 days nor more than 90 days or both.

17 (5) Any person who violates any of the rules promulgated in accordance with
18 this subchapter shall be fined not less than \$100 nor more than \$500 or be
19 imprisoned not more than 6 months or both.

20 (6) In addition to the penalties imposed for violating the provisions of this
21 subchapter or any of the department's rules, the department shall automatically
22 revoke the permit of any person convicted of such a violation and not issue another
23 permit to that person for a period of 2 years following the revocation.

24 (7) Unpaid taxes bear interest at the rate of 12 percent per year from the due
25 date of the return until paid or deposited with the department, and all refunded taxes

bear interest at the rate of 3 percent per year from the due date of the return to the date on which the refund is certified on the refund rolls.

(8) All nondelinquent payments of additional amounts owed shall be applied in the following order: penalties, interest, tax principal.

(9) Delinquent marijuana taxes bear interest at the rate of 1.5 percent per month until paid. The taxes imposed by this subchapter shall become delinquent if not paid:

(a) In the case of a timely filed return, no return filed or a late return, on or before the due date of the return.

(b) In the case of a deficiency determination of taxes, within 2 months after the date of demand.

(10) If due to neglect an incorrect return is filed, the entire tax finally determined is subject to a penalty of 25 percent of the tax exclusive of interest or other penalty. A person filing an incorrect return has the burden of proving that the error or errors were due to good cause and not due to neglect.

SECTION 49. 340.01 (50m) (a) of the statutes is amended to read:

340.01 (50m) (a) A controlled substance included in schedule I under ch. 961 ~~other than a tetrahydrocannabinol.~~

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320; 2011 a. 32, 73, 101, 208, 265; 2013 a. 39; s. 13.92 (2) (i).

SECTION 50. 340.01 (50m) (e) of the statutes is repealed.

SECTION 51. 340.01 (66m) of the statutes is created to read:

340.01 (66m) "Tetrahydrocannabinols concentration" has the meaning given

in s. 23.33 (1) (k).

SECTION 52. 343.12 (7) (a) 11. of the statutes is amended to read:

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343.12 (7) (a) 11. Operating a motor vehicle while under the legal drinking age with a prohibited alcohol concentration under s. 346.63 (2m) or while under the legal age with a prohibited tetrahydrocannabinols concentration under s. 346.63 (2p).

History: 1971 c. 213 s. 5; 1973 c. 174, 218; 1975 c. 19, 199; 1977 c. 29 s. 1654 (7) (a); 1977 c. 125; 1977 c. 193 s. 17; 1977 c. 273, 418, 447; 1981 c. 71; 1981 c. 334 s. 25 (1); 1983 a. 175, 459, 480; 1985 a. 337; 1987 a. 3; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1993 a. 16; 1995 a. 113; 2003 a. 33, 280, 326, 327; 2005 a. 253, 277; 2007 a. 116.

SECTION 53. 343.16 (5) (a) of the statutes is amended to read:

343.16 (5) (a) The secretary may require any applicant for a license or any licensed operator to submit to a special examination by such persons or agencies as the secretary may direct to determine incompetency, physical or mental disability, disease, or any other condition that might prevent such applicant or licensed person from exercising reasonable and ordinary control over a motor vehicle. If the department requires the applicant to submit to an examination, the applicant shall pay for the examination. If the department receives an application for a renewal or duplicate license after voluntary surrender under s. 343.265 or receives a report from a physician, physician assistant, as defined in s. 448.01 (6), advanced practice nurse prescriber certified under s. 441.16 (2), or optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests within a one-year period for any combination of violations of s. 346.63 (1) or (5) or a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally recognized American Indian tribe or band in this state in conformity with s. 346.63 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, the department shall determine, by interview or otherwise, whether the operator should submit to an examination under this section. The examination may consist of an assessment. If the examination indicates that education or treatment for a disability, disease, or condition concerning the use of alcohol, a controlled substance or a controlled substance analog, or tetrahydrocannabinols is appropriate,

1 the department may order a driver safety plan in accordance with s. 343.30 (1q). If
2 there is noncompliance with assessment or the driver safety plan, the department
3 shall revoke the person's operating privilege in the manner specified in s. 343.30 (1q)
4 (d).

History: 1971 c. 164 s. 83; 1973 c. 90, 176; 1975 c. 36, 199; 1977 c. 29 ss. 1456, 1654 (7) (a), (c); 1977 c. 273, 418; 1979 c. 34 ss. 1067m, 2102 (52) (a); 1979 c. 221, 345; 1981 c. 20; 1983 a. 74, 243, 534, 538; 1985 a. 65, 337; 1987 a. 3, 40, 215; 1989 a. 31, 105, 359; 1991 a. 21, 32, 39, 316; 1993 a. 16, 19, 183, 399; 1995 a. 27 s. 9145 (1); 1995 a. 113, 195, 448; 1997 a. 27, 84, 237; 1999 a. 32, 140; 2001 a. 105; 2003 a. 33; 2005 a. 187, 253, 466; 2007 a. 20, 68, 97, 162; 2009 a. 28, 302; 2011 a. 32, 161.

5 **SECTION 54.** 343.30 (1p) of the statutes is amended to read:

6 343.30 (1p) Notwithstanding sub. (1), a court shall suspend the operating
7 privilege of a person for 3 months upon the person's conviction by the court for
8 violation of s. 346.63 (2m) or (2p) or a local ordinance in conformity with s. 346.63
9 (2m) or (2p). If there was a minor passenger under 16 years of age in the motor
10 vehicle at the time of the violation that gave rise to the conviction under s. 346.63
11 (2m) or (2p) or a local ordinance in conformity with s. 346.63 (2m) or (2p), the court
12 shall suspend the operating privilege of the person for 6 months.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 317; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134; 2009 a. 100, 102, 103, 402; 2011 a. 113, 173, 262.

13 **SECTION 55.** 343.30 (1q) (h) of the statutes is amended to read:

14 343.30 (1q) (h) The court or department shall provide that the period of
15 suspension or revocation imposed under this subsection shall be reduced by any
16 period of suspension or revocation previously served under s. 343.305 if the
17 suspension or revocation under s. 343.305 and the conviction for violation of s. 346.63
18 (1) ~~or~~, (2m), or (2p) or a local ordinance in conformity therewith arise out of the same
19 incident or occurrence. The court or department shall order that the period of
20 suspension or revocation imposed under this subsection run concurrently with any
21 period of time remaining on a suspension or revocation imposed under s. 343.305

1 arising out of the same incident or occurrence. The court may modify an occupational
2 license authorized under s. 343.305 (8) (d) in accordance with this subsection.

History: 1971 c. 213 s. 5; 1971 c. 278; 1973 c. 70, 218; 1975 c. 5; 1975 c. 184 s. 13; 1975 c. 199, 297, 421; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 30, 64, 193, 203; 1979 c. 221, 300, 331, 333, 355; 1981 c. 20; 1981 c. 79 s. 18; 1983 a. 17; 1983 a. 74 ss. 23m to 26, 32; 1983 a. 192; 1985 a. 80, 176, 337; 1987 a. 3, 17, 285; 1987 a. 332 s. 64; 1989 a. 7, 31, 105, 121, 336; 1991 a. 39, 251, 277, 316; 1993 a. 16, 227, 277; 1995 a. 27, 77, 269, 338, 401, 425, 448; 1997 a. 35, 84, 135, 237, 283; 1999 a. 32, 109, 143; 2001 a. 15, 16, 38; 2003 a. 30, 80; 2005 a. 277; 2005 a. 443 s. 265; 2005 a. 466; 2007 a. 20 ss. 3300, 9121 (6) (a); 2007 a. 134; 2009 a. 100, 102, 103, 402; 2011 a. 113, 173, 262.

3 **SECTION 56.** 343.305 (2) of the statutes is amended to read:

4 **343.305 (2) IMPLIED CONSENT.** Any person who is on duty time with respect to
5 a commercial motor vehicle or drives or operates a motor vehicle upon the public
6 highways of this state, or in those areas enumerated in s. 346.61, is deemed to have
7 given consent to one or more tests of his or her breath, blood or urine, for the purpose
8 of determining the presence or quantity in his or her blood or breath, of alcohol,
9 tetrahydrocannabinols, controlled substances, controlled substance analogs or other
10 drugs, or any combination of alcohol, tetrahydrocannabinols, controlled substances,
11 controlled substance analogs and other drugs, when requested to do so by a law
12 enforcement officer under sub. (3) (a) or (am) or when required to do so under sub.
13 (3) (ar) or (b). Any such tests shall be administered upon the request of a law
14 enforcement officer. The law enforcement agency by which the officer is employed
15 shall be prepared to administer, either at its agency or any other agency or facility,
16 2 of the 3 tests under sub. (3) (a), (am), or (ar), and may designate which of the tests
17 shall be administered first.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cN, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

18 **SECTION 57.** 343.305 (3) (a) of the statutes is amended to read:

19 **343.305 (3) (a)** Upon arrest of a person for violation of s. 346.63 (1), (2m), (2p),
20 or (5) or a local ordinance in conformity therewith, or for a violation of s. 346.63 (2)
21 or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, or upon
22 arrest subsequent to a refusal under par. (ar), a law enforcement officer may request
23 the person to provide one or more samples of his or her breath, blood or urine for the

1 purpose specified under sub. (2). Compliance with a request for one type of sample
2 does not bar a subsequent request for a different type of sample.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2000 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

SECTION 58. 343.305 (3) (ar) 1. of the statutes is amended to read:

3
4 343.305 (3) (ar) 1. If a person is the operator of a vehicle that is involved in an
5 accident that causes substantial bodily harm, as defined in s. 939.22 (38), to any
6 person, and a law enforcement officer detects any presence of alcohol,
7 tetrahydrocannabinols, a controlled substance, a controlled substance analog or
8 other drug, or a combination thereof, the law enforcement officer may request the
9 operator to provide one or more samples of his or her breath, blood, or urine for the
10 purpose specified under sub. (2). Compliance with a request for one type of sample
11 does not bar a subsequent request for a different type of sample. A person who is
12 unconscious or otherwise not capable of withdrawing consent is presumed not to
13 have withdrawn consent under this subdivision and one or more samples specified
14 in par. (a) or (am) may be administered to the person. If a person refuses to take a
15 test under this subdivision, he or she may be arrested under par. (a).

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2000 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

SECTION 59. 343.305 (3) (b) of the statutes is amended to read:

16
17 343.305 (3) (b) A person who is unconscious or otherwise not capable of
18 withdrawing consent is presumed not to have withdrawn consent under this
19 subsection, and if a law enforcement officer has probable cause to believe that the
20 person has violated s. 346.63 (1), (2m), (2p), or (5) or a local ordinance in conformity
21 therewith, or s. 346.63 (2) or (6) or 940.25, or s. 940.09 where the offense involved the
22 use of a vehicle, or detects any presence of alcohol, tetrahydrocannabinols, controlled
23 substance, controlled substance analog or other drug, or a combination thereof, on

1 a person driving or operating or on duty time with respect to a commercial motor
2 vehicle or has reason to believe the person has violated s. 346.63 (7), one or more
3 samples specified in par. (a) or (am) may be administered to the person.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2000 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

4 **SECTION 60.** 343.305 (5) (b) of the statutes is amended to read:

5 343.305 (5) (b) Blood may be withdrawn from the person arrested for violation
6 of s. 346.63 (1), (2), (2m), (2p), (5) or (6) or 940.25, or s. 940.09 where the offense
7 involved the use of a vehicle, or a local ordinance in conformity with s. 346.63 (1),
8 (2m), (2p), or (5), or as provided in sub. (3) (am) or (b) to determine the presence or
9 quantity of alcohol, tetrahydrocannabinols, a controlled substance, a controlled
10 substance analog or any other drug, or any combination of alcohol, controlled
11 substance, controlled substance analog and any other drug in the blood only by a
12 physician, registered nurse, medical technologist, physician assistant or person
13 acting under the direction of a physician.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2000 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

14 **SECTION 61.** 343.305 (5) (d) of the statutes is amended to read:

15 343.305 (5) (d) At the trial of any civil or criminal action or proceeding arising
16 out of the acts committed by a person alleged to have been driving or operating a
17 motor vehicle while under the influence of an intoxicant, a controlled substance, a
18 controlled substance analog or any other drug, or under the influence of any
19 combination of alcohol, tetrahydrocannabinols, a controlled substance analog and
20 any other drug, to a degree which renders him or her incapable of safely driving, or
21 under the combined influence of an intoxicant and any other drug to a degree which
22 renders him or her incapable of safely driving, or having a prohibited alcohol or
23 tetrahydrocannabinols concentration, or alleged to have been driving or operating

or on duty time with respect to a commercial motor vehicle while having an alcohol concentration above 0.0 or possessing an intoxicating beverage, regardless of its alcohol content, or within 4 hours of having consumed or having been under the influence of an intoxicating beverage, regardless of its alcohol content, or of having an alcohol concentration of 0.04 or more, the results of a test administered in accordance with this section are admissible on the issue of whether the person was under the influence of an intoxicant, a controlled substance, a controlled substance analog or any other drug, or under the influence of any combination of alcohol, a controlled substance, a controlled substance analog and any other drug, to a degree which renders him or her incapable of safely driving or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving or any issue relating to the person's alcohol concentration. Test results shall be given the effect required under s. 885.235.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

SECTION 62. 343.305 (5) (dm) of the statutes is created to read:

343.305 (5) (dm) At the trial of any civil or criminal action or proceeding arising out of the acts committed by a person alleged to have been driving or operating a motor vehicle while having ^atetrahydrocannabinols concentrations^e at or above specified levels, the results of a blood test administered in accordance with this section are admissible on any issue relating to the tetrahydrocannabinols concentrations^e. Test results shall be given the effect required under s. 885.235.

SECTION 63. 343.305 (7) (a) of the statutes is amended to read:

343.305 (7) (a) If a person submits to chemical testing administered in accordance with this section and any test results indicate the presence of a detectable amount of a restricted controlled substance in the person's blood or a prohibited

1 alcohol or tetrahydrocannabinols concentration, the law enforcement officer shall
2 report the results to the department. The person's operating privilege is
3 administratively suspended for 6 months.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

4 **SECTION 64.** 343.305 (8) (b) 2. bm. of the statutes is amended to read:

5 343.305 (8) (b) 2. bm. Whether the person had a prohibited alcohol or
6 tetrahydrocannabinols concentration or a detectable amount of a restricted
7 controlled substance in his or her blood at the time the offense allegedly occurred.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

8 **SECTION 65.** 343.305 (8) (b) 2. d. of the statutes is amended to read:

9 343.305 (8) (b) 2. d. If one or more tests were administered in accordance with
10 this section, whether each of the test results for those tests indicate the person had
11 a prohibited alcohol or tetrahydrocannabinols concentration or a detectable amount
12 of a restricted controlled substance in his or her blood.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

13 **SECTION 66.** 343.305 (8) (b) 4m. a. of the statutes is amended to read:

14 343.305 (8) (b) 4m. a. A blood test administered in accordance with this section
15 indicated that the person had a detectable amount of methamphetamine, or
16 gamma-hydroxybutyric acid, ~~or delta-9-tetrahydrocannabinol~~ or a prohibited
17 tetrahydrocannabinols concentration but did not have a detectable amount of any
18 other restricted controlled substance in his or her blood.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

19 **SECTION 67.** 343.305 (8) (b) 5. b. of the statutes is amended to read:

1 343.305 (8) (b) 5. b. The person did not have a prohibited alcohol or
2 tetrahydrocannabinols concentration or a detectable amount of a restricted
3 controlled substance in his or her blood at the time the offense allegedly occurred.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

4 **SECTION 68.** 343.305 (8) (b) 6. b. of the statutes is amended to read:

5 343.305 (8) (b) 6. b. The person had a prohibited alcohol or
6 tetrahydrocannabinols concentration or a detectable amount of a restricted
7 controlled substance in his or her blood at the time the offense allegedly occurred.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

8 **SECTION 69.** 343.305 (9) (a) 5. a. of the statutes is amended to read:

9 343.305 (9) (a) 5. a. Whether the officer had probable cause to believe the
10 person was driving or operating a motor vehicle while under the influence of alcohol,
11 a controlled substance or a controlled substance analog or any combination of
12 alcohol, a controlled substance and a controlled substance analog, under the
13 influence of any other drug to a degree which renders the person incapable of safely
14 driving, or under the combined influence of alcohol and any other drug to a degree
15 which renders the person incapable of safely driving, having a restricted controlled
16 substance in his or her blood, or having a prohibited alcohol or
17 tetrahydrocannabinols concentration or, if the person was driving or operating a
18 commercial motor vehicle, an alcohol concentration of 0.04 or more and whether the
19 person was lawfully placed under arrest for violation of s. 346.63 (1), (2m) or (5) or
20 a local ordinance in conformity therewith or s. 346.63 (2) or (6), 940.09 (1) or 940.25.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

21 **SECTION 70.** 343.305 (9) (d) of the statutes is amended to read:

INSERT
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1 343.305 (9) (d) At the close of the hearing, or within 5 days thereafter, the court
2 shall determine the issues under par. (a) 5. or (am) 5. If all issues are determined
3 adversely to the person, the court shall proceed under sub. (10). If one or more of the
4 issues is determined favorably to the person, the court shall order that no action be
5 taken on the operating privilege on account of the person's refusal to take the test in
6 question. This section does not preclude the prosecution of the person for violation
7 of s. 346.63 (1), (2m), (2p), (5) or (7) or a local ordinance in conformity therewith, or
8 s. 346.63 (2) or (6), 940.09 (1) or 940.25.

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

9 **SECTION 71.** 343.305 (10) (em) of the statutes is amended to read:

10 343.305 (10) (em) One penalty for improperly refusing to submit to a test for
11 intoxication regarding a person arrested for a violation of s. 346.63 (2m), (2p), or (7)
12 or a local ordinance in conformity therewith is revocation of the person's operating
13 privilege for 6 months. If there was a minor passenger under 16 years of age in the
14 motor vehicle at the time of the incident that gave rise to the improper refusal, the
15 revocation period is 12 months. After the first 15 days of the revocation period, the
16 person is eligible for an occupational license under s. 343.10. Any such improper
17 refusal or revocation for the refusal does not count as a prior refusal or a prior
18 revocation under this section or ss. 343.30 (1q), 343.307 and 346.65 (2). The person
19 shall not be required to submit to and comply with any assessment or driver safety
20 plan under pars. (c) and (d).

History: 1987 a. 3, 27, 399; 1989 a. 7, 31, 56, 105, 359; 1991 a. 39, 251, 277; 1993 a. 16, 105, 315, 317, 491; 1995 a. 27 ss. 6412cnL, 9126 (19); 1995 a. 113, 269, 425, 426, 436, 448; 1997 a. 35, 84, 107, 191, 237, 290; 1999 a. 9, 32, 109; 2001 a. 16 ss. 3421m to 3423j, 4060gk, 4060hw, 4060hy; 2001 a. 104; 2003 a. 97, 199; 2005 a. 332, 413; 2007 a. 20 ss. 3303 to 3315, 9121 (6) (a); 2007 a. 136; 2009 a. 100, 103, 163; 2011 a. 120, 242; 2013 a. 36.

21 **SECTION 72.** 343.307 (1) (d) of the statutes is amended to read:

22 343.307 (1) (d) Convictions under the law of another jurisdiction that prohibits
23 a person from refusing chemical testing or using a motor vehicle while intoxicated

1 or under the influence of a controlled substance or controlled substance analog, or
2 a combination thereof; with an excess or specified range of alcohol or
3 tetrahydrocannabinols concentration; while under the influence of any drug to a
4 degree that renders the person incapable of safely driving; or while having a
5 detectable amount of a restricted controlled substance in his or her blood, as those
6 or substantially similar terms are used in that jurisdiction's laws.

History: 1977 c. 193; 1981 c. 20, 184; 1985 a. 80, 337; 1987 a. 3; 1989 a. 105, 271, 359; 1991 a. 39, 277; 1995 a. 448; 1997 a. 84; 2003 a. 33, 97; 2007 a. 20; 2009 a. 276.

7 **SECTION 73.** 343.307 (2) (e) of the statutes is amended to read:

8 343.307 (2) (e) Convictions under the law of another jurisdiction that prohibits
9 a person from refusing chemical testing or using a motor vehicle while intoxicated
10 or under the influence of a controlled substance or controlled substance analog, or
11 a combination thereof; with an excess or specified range of alcohol or
12 tetrahydrocannabinols concentration; while under the influence of any drug to a
13 degree that renders the person incapable of safely driving; or while having a
14 detectable amount of a restricted controlled substance in his or her blood, as those
15 or substantially similar terms are used in that jurisdiction's laws.

History: 1977 c. 193; 1981 c. 20, 184; 1985 a. 80, 337; 1987 a. 3; 1989 a. 105, 271, 359; 1991 a. 39, 277; 1995 a. 448; 1997 a. 84; 2003 a. 33, 97; 2007 a. 20; 2009 a. 276.

16 **SECTION 74.** 343.31 (1) (am) of the statutes is amended to read:

17 343.31 (1) (am) Injury by the operation of a vehicle while under the influence
18 of an intoxicant, a controlled substance or a controlled substance analog, or any
19 combination of an intoxicant, a controlled substance and a controlled substance
20 analog, under the influence of any other drug to a degree which renders him or her
21 incapable of safely driving, or under the combined influence of an intoxicant and any
22 other drug to a degree which renders him or her incapable of safely driving or while
23 the person has a detectable amount of a restricted controlled substance in his or her

tetrahydrocannabinols

1 blood or has a prohibited alcohol or tetrahydrocannabinols concentration and which
2 is criminal under s. 346.63 (2).

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387; 2009 a. 100, 102, 121; 2011 a. 113, 173 ss. 2, 3, 6.

3 **SECTION 75.** 343.31 (2) of the statutes is amended to read:

4 343.31 (2) The department shall revoke the operating privilege of any resident
5 upon receiving notice of the conviction of such person in another jurisdiction for an
6 offense therein which, if committed in this state, would have been cause for
7 revocation under this section or for revocation under s. 343.30 (1q). Such offenses
8 shall include violation of any law of another jurisdiction that prohibits a person from
9 using a motor vehicle while intoxicated or under the influence of a controlled
10 substance or controlled substance analog, or a combination thereof; with an excess
11 or specified range of alcohol or tetrahydrocannabinols concentration; while under
12 the influence of any drug to a degree that renders the person incapable of safely
13 driving; or while having a detectable amount of a restricted controlled substance in
14 his or her blood, as those or substantially similar terms are used in that jurisdiction's
15 laws. Upon receiving similar notice with respect to a nonresident, the department
16 shall revoke the privilege of the nonresident to operate a motor vehicle in this state.
17 Such revocation shall not apply to the operation of a commercial motor vehicle by a
18 nonresident who holds a valid commercial driver license issued by another state.

History: 1971 c. 219; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193, 447; 1979 c. 221; 1981 c. 20, 70; 1983 a. 192 s. 304; 1983 a. 459; 1985 a. 80, 82; 1985 a. 293 s. 3; 1987 a. 3, 399; 1989 a. 31, 105; 1991 a. 39, 277, 316; 1993 a. 317; 1995 a. 269, 425, 448; 1997 a. 84, 237, 258, 295; 1999 a. 109, 143; 2001 a. 16, 38, 109; 2003 a. 30, 97, 200; 2005 a. 387; 2009 a. 100, 102, 121; 2011 a. 113, 173 ss. 2, 3, 6.

19 **SECTION 76.** 343.315 (2) (a) 2. of the statutes is amended to read:

20 343.315 (2) (a) 2. Section 346.63 (1) (b) or (5) (a) or a local ordinance in
21 conformity therewith or a law of a federally recognized American Indian tribe or
22 band in this state in conformity with s. 346.63 (1) (b) or (5) (a) or the law of another
23 jurisdiction prohibiting driving or operating a commercial motor vehicle while the

1 person's alcohol concentration is 0.04 or more or with an excess or specified range of
2 alcohol or tetrahydrocannabinols concentration, as those or substantially similar
3 terms are used in that jurisdiction's laws.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32, 101, 244, 258; 2011 a. 260 s. 81.

4 **SECTION 77.** 343.315 (2) (a) 5. of the statutes is amended to read:

5 343.315 (2) (a) 5. Section 343.305 (7) or (9) or a local ordinance in conformity
6 therewith or a law of a federally recognized American Indian tribe or band in this
7 state in conformity with s. 343.305 (7) or (9) or the law of another jurisdiction
8 prohibiting refusal of a person driving or operating a motor vehicle to submit to
9 chemical testing to determine the person's alcohol or tetrahydrocannabinols
10 concentration or intoxication or the amount of a restricted controlled substance in
11 the person's blood, or prohibiting positive results from such chemical testing, as
12 those or substantially similar terms are used in that jurisdiction's laws.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32, 101, 244, 258; 2011 a. 260 s. 81.

13 **SECTION 78.** 343.315 (2) (a) 6. of the statutes is amended to read:

14 343.315 (2) (a) 6. Section 346.63 (2) or (6), 940.09 (1) or 940.25 or a law of a
15 federally recognized American Indian tribe or band in this state in conformity with
16 s. 346.63 (2) or (6), 940.09 (1) or 940.25, or the law of another jurisdiction prohibiting
17 causing or inflicting injury, great bodily harm or death through use of a motor vehicle
18 while intoxicated or under the influence of alcohol, ^{tetrahydrocannabinols} a controlled substance, a
19 controlled substance analog or a combination thereof, or with an alcohol
20 concentration of 0.04 or more or with an excess or specified range of alcohol or
21 tetrahydrocannabinols concentration, while under the influence of any drug to a
22 degree that renders the person incapable of safely driving, or while having a

1 detectable amount of a restricted controlled substance in the person's blood, as those
2 or substantially similar terms are used in that jurisdiction's laws.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; ~~1999~~ 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32, 101, 244, 258; 2011 a. 260 s. 81.

3 **SECTION 79.** 343.315 (2) (bm) 2. of the statutes is amended to read:

4 343.315 (2) (bm) 2. The offense relates to a vehicle operator's alcohol or
5 tetrahydrocannabinols concentration or intoxication or the amount of a restricted
6 controlled substance in the operator's blood.

History: 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, ~~258~~; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97; 2007 a. 20; 2009 a. 28, 103; 2011 a. 32, 101, 244, 258; 2011 a. 260 s. 81.

7 **SECTION 80.** 343.32 (2) (bj) of the statutes is amended to read:

8 343.32 (2) (bj) The scale adopted by the secretary shall assess, for each
9 conviction, 6 demerit points for a violation of s. 346.63 (6), 4 demerit points for a
10 violation of s. 346.63 (2m) or (2p), and 3 demerit points for a violation of s. 346.63 (7)
11 (a) 3. The scale adopted by the secretary shall not assess any demerit points for
12 conviction of a violation of s. 346.63 (5) or (7) (a) 1. or 2.

History: 1971 c. 42, 278, 281; 1973 c. 90; 1977 c. 29 s. ~~154~~ (7) (a), (c); 1977 c. 273; 1979 c. 221; 1981 c. 31, 216, 327; 1987 a. 24, 132; 1989 a. 22, 75, 105, 195, 359; 1991 a. 26, 32, 39, 189; 1993 a. 16, 314, 480; 1995 a. 113, 269, 338, 420, 448; 1997 a. 84, 135; 1999 a. 9, 185; 2005 a. 106, 317; 2009 a. 8, 103, 311; 2011 a. 256.

13 **SECTION 81.** 344.576 (2) (b) of the statutes is amended to read:

14 344.576 (2) (b) The damage occurs while the renter or authorized driver
15 operates the private passenger vehicle in this state while under the influence of an
16 intoxicant or other drug, as described under s. 346.63 (1) (a), (am), or (b) ~~or~~, (2m), or
17 (2p).

History: 1989 a. 328; 1995 a. 27; 2003 a. 97; 2005 a. ~~173~~.

18 **SECTION 82.** 346.63 (1) (b) of the statutes is amended to read:

19 346.63 (1) (b) The person has a prohibited alcohol or tetrahydrocannabinols
20 concentration.

History: 1971 c. 40 s. 93; 1971 c. 219; 1977 c. 193; 19~~78~~ 1978 c. 20, 184; 1983 a. 74, 459, 521; 1985 a. 32, 337; 1987 a. 3, 27; 1989 a. 105, 275; 1991 a. 277; 1995 a. 436, 448; 1997 a. 27, 252; 1999 a. 85; 2003 a. 30, 97.

21 **SECTION 83.** 346.63 (1) (d) of the statutes is amended to read: